

**RESOLUTION NO. 2019-1**

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**RATES, RULES, AND REGULATIONS  
FOR THE BOROUGH OF HANOVER STORMWATER  
AUTHORITY**

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**Borough of Hanover Stormwater Authority  
44 Frederick Street  
Hanover, Pennsylvania 17331  
Phone: (717) 637-3877**

## **RATES, RULES, AND REGULATIONS**

### **ARTICLE I** **DEFINITIONS**

1.1. Terms and phrases used and not specifically defined herein shall be defined as set forth in the applicable statutes of the Commonwealth of Pennsylvania, resolutions of the Borough of Hanover Stormwater Authority (the "Authority"), if any, or shall otherwise be given their ordinary and common meanings.

1.2. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in these Rates, Rules, and Regulations for the Authority relating to stormwater management shall be as follows:

1.2.1. Authority – The Borough of Hanover Stormwater Authority, a Pennsylvania municipal authority organized and existing under the Pennsylvania Municipality Authorities Act, or its designee.

1.2.2. Borough – The Borough of Hanover, York County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania.

1.2.3. Equivalent Residential Unit ("ERU") - The basic unit for the computation of Stormwater Program Fees. An ERU is based on the statistically estimated (median) impervious area found on a typical single-family residential parcel and has been established in the duly adopted Rate Schedule attached hereto as Appendix A, subject to such modifications as the Authority may deem necessary from time-to-time in its discretion. The ERU is used to assess the Stormwater Utility Fee for each parcel of developed property within the Borough.

1.2.4. Impervious Surface-A surface that has been altered or modified so as to adversely affect the natural infiltration of water into the ground. Impervious surfaces (or areas) known also as "Impervious Areas" ("IA") include, but are not limited to: roofs, additional outdoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any private streets and sidewalks. Gravel or crushed stone shall be assumed to be impervious for the purposes of determining the amount of IA on a parcel.

1.2.5. MS4 – Municipal Separate Storm Sewer System.

1.2.6. National Pollutant Discharge Elimination System ("NPDES") - The Federal government's and Commonwealth of Pennsylvania's system for issuance of discharge permits under the Federal Clean Water Act ("CWA"), the Pennsylvania Clean Streams Law and Storm Water Management Act. The Pennsylvania Department of Environmental Protection ("PADEP")

has been delegated the responsibility to implement the federal CWA NPDES program in Pennsylvania.

1.2.7. Non-Single-Family Residential ("NSFR" or "NR") - Any property not fitting the definition of Single-Family Residential. NSFR shall include, but not be limited to, those properties, or portions thereof, which are being used for non-single-family residential purposes which include, but are not limited to, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial and retail properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots, private roadways, common areas as part of a condominium and/or planned community, and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

1.2.8. Owner – Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning Property in the Borough of Hanover.

1.2.9. PADEP – Pennsylvania Department of Environmental Protection.

1.2.10. Property – Each lot, parcel, building or portion thereof, separately established by a tax parcel number on the tax rolls of the Borough of Hanover, York County (also referred to as "Parcel").

1.2.11. Replacement - The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the service life of the Stormwater Management System so as to maintain the capacity and performance for which said system was designed and constructed; shall include costs associated with improvements to the Stormwater Management System.

1.2.12. Single-Family Residential ("SFR") – Property which has been assigned a Residential Land Use designation by the County of York Assessment and Tax Claim Office as "R" [Residential] except those properties, or portions thereof, which are being used for non-single-family residential purposes which include, but are not limited to, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial and retail properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots, private roadways, common areas as part of a condominium and/or planned community, and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

1.2.13. Stormwater - Stormwater is water runoff from a precipitation event or snow or ice melt.

1.2.14. Stormwater Coordinator—The duly appointed Stormwater Coordinator or other person designated by the Authority.

1.2.15. Stormwater Management Program Costs - The associated public costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation and services required to:

1.2.15.1. Avoid, reduce, manage, treat, collect, convey, detain, infiltrate, pump, and transport stormwater;

1.2.15.2. Provide flood protection;

1.2.15.3. Keep equipment and facilities, including best management practices, functioning satisfactorily and economically;

1.2.15.4. Administer the stormwater management program, including regulatory compliance; and

1.2.15.5. Improve the Stormwater Management System.

1.2.16. Stormwater Management Program Utility Fee ("SMP Utility Fee") - Sums assessed, imposed, and to be collected from each lot, parcel, building or portion thereof which uses, benefits from, or is serviced by the Stormwater Management System or which discharges stormwater, directly or indirectly, into the public Stormwater Management System, for the use of and the service rendered and improvement of such system, and additionally for the administration and operation of the Stormwater Management Program.

1.2.17. Stormwater Management Ordinance – Chapter 310 Stormwater Management, of the Code of the Borough of Hanover, a.k.a. the Hanover Borough Stormwater Management Ordinance.

1.2.18. Stormwater Management Program ("SMP") - The comprehensive program developed and implemented by the Authority to address stormwater issues, including, but not limited to, reductions in storm runoff rate and volume, improvements to water quality, compliance with state/federal regulatory permit (e.g., MS4 Permit) requirements and to provide for the satisfactory management of the Stormwater Management System assets.

1.2.19. Stormwater Management System - The public system of collection and conveyance, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, dams, flood control structures, stormwater best management practices, channels, detention ponds, public streets, curbs, drains and all devices, appliances, appurtenances and facilities appurtenant thereto used for collecting, pumping, conveying, detaining, discharging and/or treating stormwater.

1.2.20. User - Any person, firm, corporation, individual, partnership, company, association, government agency, society, or group using, benefiting from or being served by the public Stormwater Management System and related Stormwater Management Program.

## **ARTICLE II**

### **CONNECTIONS TO THE SYSTEM**

2.1. It shall be unlawful for any owner of property within the Borough to establish a physical connection to the Stormwater Management System, except as provided for herein or under any other applicable Rules, Regulations, Ordinances or specifications of the Authority and/or Borough.

2.2. Properties that are physically connected to the Stormwater Management System as of January 1, 2019, may be permitted to remain connected to the Stormwater Management System, until such time that any improvement is made to that particular stormwater main serving that particular property, at which time the connection may be abandoned at the sole discretion of the Authority.

## **ARTICLE III**

### **FEEES**

3.1. For the use of, benefit by, and the services rendered by the Stormwater Management System / Program, including its operation and maintenance, repair, replacement, and improvement of said system, permit compliance and all other expenses, SMP Utility Fees are imposed upon each and every Property, or portion thereof, that is connected with, uses, is serviced by, or is benefited by, the Stormwater Management System / Program, either directly or indirectly, and upon the owner(s) of such Property, or portions thereof. Such SMP Utility Fees shall be payable by and collected from the owners of such Property, or portions thereof, as hereinafter provided, and shall be determined as set forth below.

3.2. The SMP Utility Fee per ERU will be established by a duly adopted resolution of the Authority. A Rate Schedule containing the currently applicable SMP Utility Fee and any other charges is attached hereto as Appendix A and made a part hereof. Please note that the SMP Utility Fee and applicable ERU calculations may, in the discretion of the Authority, be amended from time-to-time by appropriate resolution of the Authority and, to the extent practicable, Appendix A hereto will be updated to reflect any such revisions.

**ARTICLE IV**  
**BILLING AND COLLECTION**

4.1. Unless expressly excepted, the SMP Utility Fee fixed and established by these Rates, Rules, and Regulations shall be effective as to all Properties that use, are served, or are benefited by the Authority's Stormwater Management System and or the Borough's Stormwater Program.

4.2. SMP Utility Fee shall be assessed and billed by or on behalf of the Authority effective as of January 1<sup>st</sup> each calendar year. (The first billing shall be on or about January 30, 2019). For existing customers of the Borough, the SMP Utility Fee shall be included as a separate and readily identifiable line on the sanitary sewer/water bill which is typically prepared and mailed by the Borough (or its designee or contractor) quarterly. Owners of parcels within the Borough of Hanover that are not currently sanitary sewer/water customers will receive a SMP Utility Fee only bill. In all instances, the invoice date, period of service, and due date of the SMP Utility Fee shall be consistent with and match the corresponding elements of the sanitary sewer/water charges.

4.3. A penalty of one and one-quarter percent (1.25%) per month will be added to delinquent accounts after twenty (20) days. The penalty will be calculated on the overdue portion of each delinquent bill, and such penalty will be calculated monthly thereafter only on the overdue portion of the bill. In no event will the penalty rate exceed more than 15% annually.

4.4. In accordance with the Municipal Claims Act, 53 P.S. § 7101, et seq. (as amended), all rates, and charges, penalties, interest, collection fees, attorney's fees, lien filing and satisfaction fees and other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject property and its owner from the date of their imposition and assessment.

**ARTICLE V**  
**UNLAWFUL USE OF STORMWATER MANAGEMENT SYSTEM**

5.1. No user connected to the Stormwater Management System shall discharge or cause to be discharged into the Stormwater Management System any element or property of sewage, agricultural, residential, industrial, or commercial waste, leachate, heated effluent, or other source of pollutant whether originating at a point or nonpoint source.

5.2. No person shall connect, cause to be connected, or allow any other person to connect any building and/or property or other source of water to the Stormwater Management System in any manner other than as provided for in these Rates, Rules, and Regulations.

5.3. No person shall make, or cause to be made, any cross connection between any pipe, fixture, or other appurtenance connected in any way to the Stormwater Management System and any public or private component of any potable water system or wastewater source; whereby, the potential exists for the co-mingling of sanitary wastes, stormwater, and/or potable water.



**ARTICLE VI**  
**PROHIBITED WASTES**

6.1. The discharge of stormwater to the Stormwater Management System in any manner other than allowed by these Rates, Rules, and Regulations, and all other applicable local Resolutions or Ordinances, is expressly prohibited.

6.2. The discharge of excessive amounts of stormwater to the Stormwater Management System is expressly prohibited. The Authority reserves the right to define the amount it deems excessive.

6.3. The discharge of garbage or any form of waste to the Stormwater Management System is expressly prohibited.

6.4. Users of the Stormwater Management System are subject to all local Resolutions and Ordinances governing stormwater, whether or not specifically set forth herein. If a conflict exists between the rules and regulations stated herein, and any Authority Resolution or Borough Ordinance or Resolution, the more stringent regulation or requirement shall apply and control.

**ARTICLE VII**  
**GENERAL AND MISCELLANEOUS PROVISIONS**

7.1. The Authority may implement such administrative procedures necessary to implement the policies and requirements set forth in these Rates, Rules, and Regulations.

7.2. Floods from stormwater may occur occasionally that exceed the capacity of the Stormwater Management System maintained and financed with SMP Utility Fees. Nothing herein shall be deemed to imply that properties subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in these Rates, Rules, and Regulations shall deem the Authority liable for any damages incurred from stormwater or from adverse water quality. Nothing herein is intended to reduce the need or necessity for flood insurance, and the Authority expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Authority, its officers, employees, and/or agents arising out of any alleged failure or breach of duty with respect to the Stormwater Management System.

7.3. The Authority will review and update (if applicable) the SMP Utility Fees fixed and established by these Rates, Rules, and Regulations by resolution on an annual basis.

7.4. If any section, clause, or other portion of these Rates, Rules, and Regulations is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Rates, Rules, and Regulations as a whole or any other part hereof.

7.5. No agent or employee of the Authority shall have the right or authority to bind the Authority by any promise, agreement, or representation contrary to the letter or intent of these Rates, Rules, and Regulations.

## **ARTICLE VIII**

### **APPEAL PROCEDURES**

8.1. Any owner or affected person who believes the provisions of these Rates, Rules, and Regulations have been applied in error may appeal in the following manner and sequence.

8.2. An appeal must be filed in writing with the Stormwater Coordinator within thirty (30) days of the charge being mailed or delivered to the property or property owner. Any appeal must state the reasons for the appeal and be submitted using the forms provided by the Authority for such purpose. See Appendix B. If an Appellant believes that the Authority's determination of the Property Classification, Impervious Area (IA), or Ownership the property is erroneous, the Appellant may file a Stormwater Adjustment Appeal. It is the Appellant's responsibility to demonstrate that the Authority's calculation is erroneous. Following submission of a Stormwater Adjustment Appeal Form, the Appellant and/or Owner shall grant the Authority permission to enter the parcel at reasonable times and without unreasonable disruption, to inspect the parcel to ensure that the information provided in the adjustment appeal accurately represents the current parcel conditions. There is no fee associated with submitting an adjustment appeal, however, the Appellant is solely responsible for any costs incurred in the preparation and submission of the adjustment appeal, and all required appeal documentation.

8.3. Using information provided by the Appellant, the Stormwater Coordinator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days of the receipt of the Stormwater Adjustment Appeal. In response to an appeal, the Stormwater Coordinator may adjust the SMP Utility Fees applicable to the property in accordance with the provisions of this Resolution. If the Stormwater Coordinator fails to respond within sixty (60) days, the appeal shall be deemed accepted. If the adjustment appeal results in a revised calculation of IA and/or ERU, then the SMP Utility Fee will be corrected to reflect the revised determination for the current cycle.

8.4. Any person aggrieved by any decision of the Authority, relevant to the provisions of this Resolution, may file an action in the Court of Common Pleas of York County as permitted by law.



**ARTICLE IX**  
**POLICIES AND PROCEDURES AUTHORIZED**

9.1. The Authority may by resolution adopt such rules, regulation, policies, and procedures as it deems appropriate to ensure collection of rates and charges assessed and imposed pursuant to this Resolution. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency and any and all other measures or combination thereof which the Authority may deem appropriate.

9.2. All costs of such collection procedures, including but not limited to collection fees, attorney's fees, court costs, litigation expense, charges for service of documents, shall upon being incurred by the Authority, be imposed as a charge for nonpayment and added to the balance due on said owner's account.

9.3. No collection proceeding shall be discontinued until all amounts due on an account, including user fees, penalties, interest, collection fees, attorney's fees, court costs and other charges are first paid in full to the Authority.

9.4. The Authority may adopt any policies or procedures that the Authority deems necessary or convenient to interpret or implement these Rates, Rules and Regulations.

**ARTICLE X**  
**STORMWATER MANAGEMENT PROGRAM FUND**

10.1. Unless expressly provided for or required by law or applicable agreement related to stormwater management, the funds received from the collection of the SMP Utility Fees authorized by this Resolution shall be deposited into the Authority's Stormwater Operating Account, a fund and account dedicated to the operation and administration of the SMP, and for the operation, maintenance, repair, and capital improvement of the Stormwater System.

**ARTICLE XI**  
**NO WARRANTY OR ACTION**

11.1. Nothing in this Resolution or in the design, operation, or maintenance of the Stormwater System shall be deemed to constitute a warranty, expressed or implied, nor shall it afford the basis for any action seeking the imposition of money damages against the Authority, its officers, employees, and/or agents. The Authority expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Authority, its officers, employees and/or agents arising out of any alleged failure or breach of duty or relationship as may not exist or hereafter be created.

**ARTICLE XII**  
**PENALTIES**

12.1. Any violation of these Rules and Regulations is hereby declared to be a summary offense in accordance with Section 5607(d)17 of the Pennsylvania Municipality Authorities Act, as amended, and shall be punishable by a fine of up to Six Hundred (\$600.00) Dollars for each offense. Each and every day that a violation of these Rates, Rules, and Regulations exists shall constitute a separate and distinct offense.

12.2. The Authority may also enforce the terms of these Rates, Rules, and Regulations by an appropriate action brought in the Court of Common Pleas of York County, Pennsylvania.

**ENACTED, RESOLVED AND APPROVED** this 10<sup>th</sup> day of January, 2019.

**ATTEST:**

A handwritten signature in blue ink, appearing to read "Talya H. Morgan", written over a horizontal line.

**BOROUGH OF HANOVER**  
**STORMWATHR AUTHORITY**

A large, stylized handwritten signature in black ink, written over a horizontal line.

William W. Reichart, II, Chairman

## APPENDIX A

### RATE SCHEDULE

1. The SMP Utility Fee per ERU shall be set at Sixty-Six and Forty-Four (\$66.44) per year.
2. For purposes of calculating the SMP Utility Fee per ERU, an ERU has been established to be Two Thousand Two Hundred Fifty (2,250) square feet of impervious area (IA).
3. Single-family Residential (SFR) shall be charged according to the following schedule:
  - a. Tier 1: 0-4,208 square feet of lot size 0.75 ERU
  - b. Tier 2: 4,209-7814 square feet of lot size 1.00 ERU
  - c. Tier 3: 7,815 to maximum square feet of lot size 1.25 ERU
4. The charge for all Non-Single-Family Residential (NSFR) parcels within the Borough which have in excess of five-hundred (500) square feet of IA shall be based upon the number of square feet of measured IA, as determined through aerial photography and area feature evaluation processes divided by 2,250 (median IA of 1 SFR) square feet per ERU and expressed as whole ERUs by rounding up to the nearest whole ERU. The charge for said properties shall be computed by multiplying the number of ERUs for a given parcel by the unit SMP Utility Fee per one (1.00) ERU established by the Authority.

APPENDIX B

**BOROUGH OF HANOVER STORMWATER AUTHORITY**

**Stormwater Adjustment Appeal Form**

This form may only be used by property owners to appeal their stormwater management program fee on the basis of parcel classification, impervious coverage and/or ownership. *Appeals will not be granted based on inability to pay, financial situation, etc.*

Please complete and return to: **Borough of Hanover Stormwater Authority**  
c/o Stormwater Utility Fee Appeal  
44 Frederick St  
Hanover, PA 17331

The Borough of Hanover Stormwater Authority, or its designated representative, will review the appeal and respond via letter to the applicant address listed below within thirty (30) days of receipt. Granted appeals will be applied to the current stormwater billing period and will not be retroactive.

**PROPERTY OWNER INFORMATION**

Applicant Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Applicant Address (for correspondence):  
\_\_\_\_\_

Appealed Property Address (if different):  
\_\_\_\_\_

Email Address: \_\_\_\_\_

**REASON FOR APPEAL**

**Property Classification** – This appeal category is related to a property that has been miscategorized as either single-family residential (SFR) if it is non-single family residential (NSFR) or NSFR if it is SFR. This classification is directly related to how a property is assessed for the fee. All classifications were taken from York County Tax Assessment data.

**Impervious Area** – This appeal category is related to a miscalculation in the amount of impervious area on a property. In the residential classification, it could lead to a change in the ERU Tier used to assess the utility fee. In non-residential, it could lead to an

incorrect ERU assessment. Please note all ERU values are rounded up to the nearest whole ERU value.

**Ownership** – This appeal category is related to ownership of a parcel. All data related to ownership is derived from the York County GIS datasets and/or Hanover Borough billing records. If a property has changed ownership, or is currently changing, the information may not be up to date, depending on recordation dates, sale dates, etc.

- ☐ Property Classification (*Residential/Non-Residential*)    ☐ Impervious Area  
☐ Ownership

Please provide detailed information regarding your stormwater program fee assessment appeal. Additional pages may be attached (further description, sketches, maps, impervious area estimates will assist in processing your appeal).

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*I attest that the information provided in this form is complete and accurate.*

Signature: \_\_\_\_\_

**Please keep a copy for yourself. A copy will not be returned.**

**FOR AUTHORITY OFFICIAL USE ONLY**

Received By: \_\_\_\_\_

Date Received: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Appeal Determination:

☐ Approved

☐ Not Approved

Corrected Property Classification: \_\_\_\_\_

Corrected Impervious Area: \_\_\_\_\_

Corrected Ownership: \_\_\_\_\_